

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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THURSDAY, THE TWENTYTHIRD DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.5643 OF 2006

Between:

M.A. Kausar Pasha ... Petitioner

Versus

The Mandal Revenue Officer,

Tirumalgherry Mandal,

Secunderabad & Ors. ... Respondents

Counsel for the Petitioner: Mr.Wasim Ahmed Khan

Counsel for the Respondents: Govt. Pleader for Revenue

ORDER:

The case of the petitioner is that he is resident of Karkhana, Cantonment, Secunderabad and he is associated with Manjlis Ittehadul Muslimeen Party (M.I.M. Party) and on the request of the locality people of Karkhana area including the petitioner, the Government allotted land admeasuring 2000 sq.yards in Karkhana for the purpose of constructing Urdughar-cum-Shadi Khana (function hall).

It is stated that the Government sanctioned an amount of Rs.7,50,000=00 vide G.O.Ms.No.2231 M.W. (MFC) Department, dated 9-7-1999 for construction of Urdughar-cum-Shadikhana in the aforesaid place during the year 1999-2000. The amount has been drawn by the third respondent and the said land was handed over to the third respondent.

It is stated that out of the said land an extent of 500 sq.yards was allotted in favour of the fifth respondent in the year 1997 and the fifth respondent is trying to alienate the said land and making construction in the said land.

It is also stated that the fifth respondent is taking steps to alienate the said, and therefore, the petitioners seek the relief of mandamus to direct the respondents not to alienate the said land.

On the other hand, the learned Government Pleader for respondents 1 to 4 obtained instructions and submits that as per the revenue records the land in survey no.158/P of Thokatta village of Tirumalgiri Mandal in GLR.No.457/B is admeasuring Acs:7-00 and the same is classified as Government abadi and the major portion of the land is covered by Abadi including a Community Hall out of which an extent of 1500 sq.yards of land is found vacant.

Out of 1500 sq.yards an extent of 500 sq.yards was assigned vide G.O.Ms.No.498, dated 12-6-1997, which is part of the said land in survey no.158/P of Thokatta village in favour of the fifth respondent Kumari G.V.Dhalakshmi and the Hyderabad District Collector vide his letter dated 10-7-1997 had directed to hand over the said possession and accordingly the same was handed over in favour of the fifth respondent.

It is stated that 1000 sq.yards allotted in favour of the District Minorities Office for the purpose of construction of Urdughar-cum-Shadikhana is a different land, which was given to the third respondent on 18-5-2002.

In view of the aforesaid facts and circumstances, as there is no dispute among the allottees of the third and fifth respondents, I am of the opinion that the writ petition filed by the petitioner is without any justification whatsoever.

The writ petition fails and is accordingly dismissed. No costs.

MARCH 23rd, 2006. -----

I s L. V. ESWARAI AH , J.

